

one hour after each meal. Sciatica \* \* \* Two tablets 3 times daily one hour after each meal. Toothache, Earache: Two tablets one hour after meals, repeated in an hour if not completely relieved."

On May 25, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22628. Adulteration and misbranding of Erdeky's Reparator, and misbranding of Erdeky's Blood Tea, Lung Tea, Lung Balsam, Blood Purifier, Blood Tonic, Nerve Medicine, Stomach Regulator, Mother Drops, Mustard Ointment, Cough Balsam, Women's Friend, Herb Tea, and Cough Tea.** U. S. v. Kalerd Laboratories Co., Inc., and Kalman Erdeky. Pleas of guilty. Kalerd Laboratories Co., Inc., fined \$1. Kalman Erdeky placed on probation for 1 year and taxed costs. (F. & D. no. 28164. I. S. nos. 24583 to 24586, incl., 26201 to 26204, incl., 26208 to 26213, incl.)

This case was based on interstate shipments of various drug preparations, which, with one exception (Mother Drops), were labeled with false and fraudulent curative and therapeutic claims. The Lung Balsam, Blood Purifier, and Cough Balsam contained less alcohol than declared on the labels; the Mother Drops contained more alcohol than declared, and the Reparator contained less chloroform than declared.

On January 30, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kalerd Laboratories Co., Inc., and Kalman Erdeky, president of said company, of Pittsburgh, Pa., alleging shipment by said defendants, in violation of the Food and Drugs Act as amended, between the dates of March 17 and April 15, 1931, from the State of Pennsylvania into the State of Indiana of a quantity of Erdeky's Reparator which was adulterated and misbranded; and of quantities of Erdeky's Blood Tea, Lung Tea, Lung Balsam, Blood Purifier, Blood Tonic, Nerve Medicine, Stomach Regulator, Mother Drops, Mustard Ointment, Cough Balsam, Women's Friend, Herb Tea, and Cough Tea which were misbranded. The articles were labeled in part: "Erdeky's Original Carpathian Style Lung Tea, etc. Prepared by Kalerd Laboratories Pittsburgh Pa."

Analyses of samples of the articles by this Department showed that the Blood Tea consisted essentially of plant material including senna leaves, juniper berries, gentian root, calamus root, and fennel seed; cinchona was not present. Lung Tea consisted essentially of plant material including horehound, marsh-mallow root, Iceland moss, licorice, elder flowers and linden flowers; Lung Balsam consisted essentially of plant material including tannin and wild cherry, a phenolic body, alcohol (by volume 2.7 percent), chloroform, sugar, and water; Blood Purifier consisted essentially of extracts of plant drugs including a laxative drug, potassium iodide, glycerin, alcohol (by volume 6.1 percent), and water; Blood Tonic consisted essentially of extracts of plant drugs including a laxative drug, potassium iodide, glycerin, alcohol (by volume 6.3 percent), and water; Nerve Medicine consisted essentially of compounds of calcium, sodium, potassium, ammonium, iron, manganese, strychnine and quinine, bromides, hypophosphites, sugar, and water; Stomach Regulator consisted essentially of pepsin, hydrochloric acid, compounds of strychnine and brucine, extracts of plant drugs including a laxative drug, sugars, alcohol (by volume 19.7 percent), and water, flavored with aromatics; Reparator consisted essentially of petroleum oil, such as kerosene, containing chloroform (53.1 minims per fluid ounce), volatile oils including camphor, oil of mustard, and methyl salicylate; Mother Drops consisted essentially of alcohol (by volume 64.6 percent), plant material including aloe and resins, and water; Mustard Ointment consisted essentially of an ointment with a petrolatum base, containing volatile oils including oil of mustard and oil of lemon; Cough Balsam consisted essentially of plant material including tannin and wild cherry, a phenolic body, chloroform, alcohol (by volume 2.6 percent), sugar, and water, flavored with aromatics including oil of sassafras; Women's Friend contained ferrous carbonate, sodium sulphate, and arsenic trioxide (one-fiftieth grain per tablet), coated with sugar and iron oxide; Herb Tea consisted essentially of plant material including senna leaves, juniper berries, cinchona bark, fennel seed, gentian root, and calamus root; Cough Tea consisted essentially of plant material including horehound, althea root, Iceland moss, licorice root, elder flowers, and linden flowers.

It was alleged in the information that the articles were misbranded, with the exception of the Mother Drops, in that certain statements, designs, and devices, regarding their curative and therapeutic effects, appearing in the labeling, falsely and fraudulently represented that they were effective (Blood Tea) as a blood tea; effective to purify the blood; effective to regulate liver, kidney, and stomach; effective as a medicine in biliousness, rheumatism, nervous and sick headache, and diseases of the blood, stomach, liver, and kidneys; effective against all those ills due to unorderly functions of the blood, liver, kidneys, and stomach, such as loss of appetite, chlorosis, chills, dizziness, liver, kidney, and bladder troubles; effective as a treatment, remedy, and cure for all diseases of the blood; (Lung Tea) as a lung tea; effective as a treatment for coughs, croup, bronchitis, hoarseness, influenza, and other ailments of the lungs and breast; effective as a treatment, remedy, and cure for spitting of blood, whooping cough, asthma, consumption, pneumonia, and peritonitis; (Lung Balsam) as a lung balsam; effective as a treatment, remedy, and cure for coughs, hoarseness, pneumonia, whooping cough, croup, lung fever, and all diseases of the lungs and throat; effective as a valuable expectorant and sedative for simple ailments of the chest and lungs; effective as a treatment, remedy, and cure for bronchitis, spitting of blood, asthma, tuberculosis, and peritonitis; (Blood Purifier) as a blood purifier; effective to cleanse the life fluid thoroughly and strengthen the whole system; effective as a treatment, remedy, and cure for affections such as eczema, salt rheum, enlarged glands, boils, running sores, venereal diseases, and other troubles arising from impure blood; effective to eradicate pimples, boils, and swellings, and wounds which are produced on account of the uncleanness of the blood; effective as a treatment, remedy, and cure for cases of syphilis and scrofula; (Blood Tonic) as a blood tonic; (Nerve Medicine) as a nerve medicine; (Stomach Regulator) as a stomach regulator; effective as a treatment, remedy, and cure for dyspepsia, indigestion, dizziness and fainting spells, colic attacks, and torpid liver; effective as a preparation of unparalleled benefit in the treatment of cases of loss of appetite, indigestion, and all ailments of the stomach and liver; (Reparator) as a reparator and treatment of rheumatic pains, nervous headaches, neuralgic pains, muscular cramps, stiff neck, and pains in the side, chest, and back; (Mustard Ointment) as a treatment, remedy, and cure for sore throat, stiff neck, tonsillitis, neuralgia, rheumatism, congestion, sore muscles, bronchitis, croup, headache, and lumbago; (Cough Balsam) as a cough balsam; effective as a treatment, remedy, and cure for coughs and simple ailments of the chest and lungs; (Women's Friend) to promote the healthy activity of the organs; effective to strengthen weak women in pregnancy, threatened abortion, childbirth, and change of life; effective as a treatment, remedy, and cure for profuse and painful menstruation; (Herb Tea) as a blood purifier; effective as a liver, kidney, and stomach regulator; effective in the treatment of those troubles which occur on account of the unorderly functions of the blood, liver, kidneys, and stomach, such as loss of appetite, chlorosis, chills, dizziness, liver, kidney and bladder troubles, stomach and intestinal cramps, and also cramps of the uterus; effective as a treatment, remedy, and cure for anemia, nervousness, skin troubles, scrofula, goiter, glandular swellings, and all diseases of the blood; (Cough Tea) as a treatment, remedy, and cure for coughs, hoarseness, croup, bronchitis, spitting of blood, whooping cough, asthma, tuberculosis, pneumonia, and peritonitis.

Adulteration of the Erdeky's Reparator was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold in that each fluid ounce of the article was represented to contain 75 minims of chloroform, whereas each fluid ounce of the article contained less than 75 minims of chloroform, namely, not more than 53.1 minims of chloroform per fluid ounce.

Misbranding of the Reparator was alleged for the reason that the statement "Chloroform 75 min. in 1 Fl. Oz." was false and misleading since each fluid ounce of the article did not contain 75 minims of chloroform but did contain a less amount; and for the further reason that the article contained chloroform and the label on the bottle failed to bear a statement of the quantity or proportion of chloroform contained in the article. Misbranding of certain of the products was further alleged for the following reasons: The statement "Alcohol 8 per cent", on the label of the Lung Balsam, was false and misleading since it contained not more than 2.7 percent of alcohol; the statement "Alcohol 16 per cent" on the label of the Blood Purifier was false and misleading since it con-

tained not more than 6.4 percent of alcohol; the statements, "Contains alcohol 50%" and "Contains 50% Alcohol" on the labels of the Mother Drops, were false and misleading since it contained more than 50 percent of alcohol, namely, not less than 61.4 percent of alcohol; the statement "Alcohol 8 percent", on the label of the Cough Balsam, was false and misleading since it contained not more than 2.6 percent of alcohol; and for the further reason that the articles contained alcohol and the label on the packages failed to bear a statement of the quantity or proportion of alcohol contained therein since no declaration of alcohol appeared on the label of the Blood Tonic and the declarations on the labels of the Lung Balsam, Blood Purifier, Mother Drops, and Cough Balsam were incorrect.

On May 18, 1934, pleas of guilty were entered and the court imposed a fine of \$1 against the Kalerd Laboratories Co., Inc. Kalman Erdeky was placed on probation for 1 year and assessed costs of the proceedings to be paid within 1 year.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22629. Adulteration and misbranding of Arsenacea Compound and Novadyne (Amidopyrine Barbitonate). U. S. v. Charles Clinton Yarbrough. Plea of guilty. Sentence, \$6 fine and 1 day's imprisonment. Probationed on entire sentence. (F. & D. no. 29416. I. S. nos. 52858, 52859, 52864.)**

This case was based on interstate shipments of two lots of Arsenacea Compound ampoules which contained arsenous compounds in excess of the amounts declared on the labels; and one lot of Novadyne Tablets which contained a smaller amount of Novadyne than declared. The latter product was described as a new crystalline compound, whereas it was a mixture of two common drugs.

On June 13, 1933, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles Clinton Yarbrough, Memphis, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, from the State of Tennessee into the State of Ohio, on or about December 7, 1931, of quantities of Arsenacea Compound ampoules, and on or about January 30, 1932, of a quantity of Novadyne Tablets which were adulterated and misbranded. The articles were labeled in part: "Ampules No. 1 16 min. (1 mil. or 1 c. c.) Arsenacea Compound"; "Ampules Venofluid, No. 100 5 Mils (or C. C.) Arsenacea Compound"; "Tablets Novadyne (Amidopyrine Barbitonate) A new Crystalline Compound \* \* \* Charles C. Yarbrough Pharmaceutic Specialist."

Analyses of samples of the articles by this Department showed that the 1-milliliter ampoules Arsenacea Compound contained 0.700 grain (0.0453 g) of elemental arsenic; that the 5-ml ampoules Arsenacea Compound contained 1.47 grains, or 0.095 g of elemental arsenic; that the Novadyne was not a new crystalline compound, but was a mixture of amidopyrine and barbital, the combined quantities of amidopyrine and barbital being less than 4 grains, namely, 3.06 grains (0.1988 g) per average tablet.

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in the following respects: the 1-ml ampoules were represented to contain  $1\frac{3}{4}$  grains of sodium cacodylate and one-fiftieth of a grain of sodium orthoarsenite, whereas each ampoule contained more than  $1\frac{3}{4}$  grains of sodium cacodylate, and more than one-fiftieth of a grain of sodium orthoarsenite; the 5-ml ampoules were represented to contain  $3\frac{1}{2}$  grains of sodium dimethylarsenate and one twenty-fifth of a grain of sodium orthoarsenite, whereas each ampoule contained more than  $3\frac{1}{2}$  grains of sodium dimethylarsenate and more than one twenty-fifth of a grain of sodium orthoarsenite; each tablet of the Novadyne was represented to contain 4 grains of Novadyne (Amidopyrine Barbitonate), and the product was represented to be a new crystalline compound, whereas each tablet contained less than 4 grains of Novadyne (Amidopyrine Barbitonate) namely, not more than 3.06 grains of Novadyne, and the article was not a new crystalline compound but was a mixture of amidopyrine and barbital.

Misbranding was alleged for the reason that the statements on the labels of the Arsenacea Compound (1-ml ampoule, package) "Each Ampule Con-